

Indiana Court Times

Supreme Court, Division of State Court Administration

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Number 3

Indiana's First Female Supreme Court Justice Announces Retirement

Nominating Commission receives 25 applications for vacancy

Justice Myra C. Selby, who was Indiana's 103rd Supreme Court Justice, and the first African-American and first woman to serve on the Court, announced earlier this month that she will step down from the bench later this year. The Indiana Judicial Nominating Commission received 25 applications for the seat on the Indiana Supreme Court created by her resignation.

In response to Justice Selby's announcement, Chief Justice Randall T. Shepard said, "This is a very sad time for the four of us. We will miss her friendship, her insight, and her sense of humor. But it is an even greater loss for the people of Indiana who have been so splendidly served by her dedication to the Court and to the principles of justice. As a justice on our Court, she has always been elegant, thoughtful, and energetic. Every one of us wishes her the very best".

The Indiana Judicial Nominating Commission will select the nominees for the vacancy on the state's highest court.

The Chief Justice announced on August 20 that 25 attorneys and judges had applied to the vacancy. They are: Lake Circuit Court Judge Lorenzo Arredondo, Brian Baldwin of Martinsville, Hon. Betty Barteau, Indiana Court of Appeals (Ret.) of Indianapolis, Vicki L. Carmichael, of Jeffersonville, Carol Sparks Drake of Lebanon, Anne Marie Galligan of Jeffersonville, John Henry Hall of



The Honorable Myra C. Selby

Gary, Johnson County Prosecutor Lance D. Hamner, Cheryl J. Hillenburg of Corydon, John D. Hollingsworth of Indianapolis, Marion Superior Court Judge Z. Mae Jimison, Marya E. Lee of Indianapolis, Sandra D. Leek of Indianapolis, Robert H. Little, of Brookston, Dock McDowell, Jr. of Merrillville, George M. Plews of Indianapolis, Marion Superior Court Judge Tanya Walton

Pratt, Indiana Court of Appeals Judge Patricia A. Riley, Indiana Court of Appeals Judge Robert D. Rucker, Jr., Mary Beth Ramey, Indianapolis, Kathryn D. Schmidt of Merrillville, David V. Scott, Sr. of New Albany, Bessie M. Taylor of Gary, Porter Superior Court Judge Nancy H. Vaidik, and Senator Cleo Washington of South Bend.

The Indiana Judicial Nominating Commission conducted public interviews of the applicants on Thursday, September 2, 1999, and Friday, September 3, 1999. The Commission then selected seven semifinalists to return for second interviews on September 15, 1999. The semifinalists are: Hon. Lorenzo Arredondo, Hon. Tanya Walton Pratt, Hon. Patricia A. Riley, Mary Beth Ramey, Hon. Robert D. Rucker, Jr., Hon. Nancy H. Vaidik, and Senator Cleo Washington. At the conclusion of the second interviews, the Commission will nominate three candidates whose names will be submitted to the Governor. Governor O'Bannon will name Justice Selby's successor to the Court within sixty days of the nominations.

Indiana Conference for Legal Education (CLEO)

Indiana Judges aid in bar association membership fees for students

When the General Assembly created the Indiana Conference for Legal Education Opportunity (Indiana CLEO) to aid minority and disadvantaged students in pursuing law degrees in Indiana, it urged the State's courts to "develop programs and opportunities to further the purposes of the program." Thirty-one state court judges are doing that by dipping into their own pockets to ensure bar association membership for approximately 90 Indiana CLEO Fellows.

The 31 participants in the 1999 Indiana Graduate Program for Judges are donating \$1,500 to the Indiana Bar Foundation to pay local or state bar association dues for all Indiana CLEO Fellows during the next year. Any remaining funds will be used to support community service work of the students.

Established in 1997, Indiana CLEO assists minority, low income and educationally disadvantaged students in pursuing law degrees and careers in Indiana. Approximately 30 students are chosen each year to be Indiana CLEO Fellows.

"We were looking for a way in which to memorialize our time together, and this seemed to be the best way to do that," said the Honorable Susan Macey Thompson, a Marion Superior Court judge who is among the trial judges making the donation. Judge Thompson also is a member of the Indiana CLEO Advisory Committee.

The Indiana Graduate Program for Judges is an intensive two-week educational program conducted over two years for classes of trial court and appellate judges. The 31 judges who are donating the \$1,500 graduated from the program in June.

Judge Thompson noted that bar association membership provides

students with opportunities to network with practicing lawyers and to learn more about the practice of law in Indiana. In addition, the students who join will have the opportunity to become involved in bar association programs designed to improve the legal system in Indiana. Judge Thompson noted that the bar associations, in turn, will benefit from the participation of such a diverse group of students.

The Chief Justice commended the judges for their unique contribution to the Indiana CLEO program.

"While the Legislature has been generous in its support of Indiana CLEO, this donation will expand the opportunities available to Indiana CLEO Fellows," the Chief Justice said. "The donation reflects the strong commitment of the Indiana judiciary to not only increasing the number of minority lawyers in this state but also enhancing their opportunities within the legal profession."

The judges who are contributing the \$1,500 are:

David A. Ault, Montgomery Superior Court

Cynthia J. Ayers, Marion Superior Court

Douglas R. Bridges, Monroe Circuit Court

Sanford M. Brook, Indiana Court of Appeals

Rosemary Higgins Burke, Fulton Superior Court

Edward A. Campbell, Warrick Superior Court

James K. Coachys, Johnson Superior Court

David H. Coleman, Hendricks Superior Court

Richard A. Dailey, Delaware Superior Court

Steve David, Boone Circuit Court

David J. Dreyer, Marion Superior Court

Thomas G. Fisher, Indiana Tax Court

George J. Heid, Tippecanoe Superior Court

J. David Holt, Greene Superior Court

Michael J. Kramer, Noble County Court

Diana J. LaViolette, Putnam Circuit Court

Jane Magnus-Stinson, Marion Superior Court

Robyn L. Moberly, Marion Superior Court

Chris D. Monroe, Bartholomew Superior Court

Lynn Murray, Howard Circuit Court

Dane P. Nash, Tipton Circuit Court

Earl G. Penrod, Gibson Superior Court

Daniel Lee Pflum, Fayette Circuit Court

Rex L. Reed, Kosciusko Circuit Court

Joel D. Roberts, Jay Superior Court

Wayne A. Roell, Spencer Circuit Court

Michael D. Rush, Whitley Superior Court

Viola J. Taliaferro, Monroe Circuit Court

Susan Macey Thompson, Marion Superior Court

David L. Welch, Monroe Circuit Court

Allen Wheat, Steuben Circuit Court

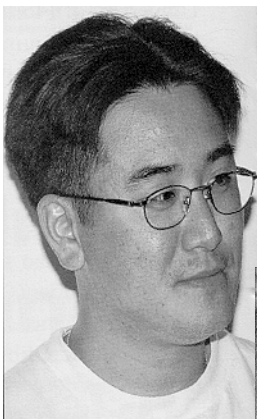
ICLEO

Summer Institute Program

Twenty-nine students recently joined the ranks of Indiana Conference for Legal Education Opportunity Fellows.

These 1999 Indiana CLEO Fellows are among approximately 90 students at Indiana's four law schools who participate in the Indiana CLEO program. The program was created by the Indiana General Assembly at the urging of Chief Justice Randall T. Shepard to assist Indiana minority, low income or educationally disadvantaged students in pursuing a law degree and a career in the Indiana legal community.

The cornerstone of the Indiana CLEO program is the Summer Institute, an intensive six-week course conducted at an Indiana law school during the summer immediately before the Fellows begin law school. The Summer Institute introduces the students to the areas of law in which they will receive instruction during their first year of law school. The 1999 CLEO Fellows will complete the Summer Institute at the Indiana University School of Law - Indianapolis on July 30. Students who become certified graduates of the program may be eligible for an annual living expense stipend of \$5,000.



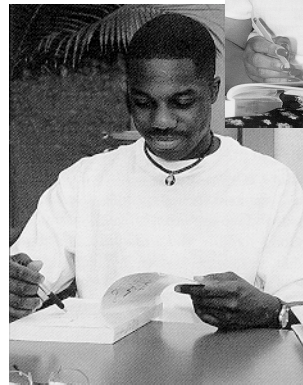
Faces of



Indiana CLEO



1999 Summer Institute



The incoming class of Indiana CLEO Fellows comes from a diverse background. While the majority of students are entering law school shortly after graduation from an undergraduate institution, a number of students are returning to school after pursuing other careers. Among the class members are a Miss Indiana (Pratima Yarlagadda) and a married couple (Marisol and Rafael Sanchez).

The 1999 Indiana CLEO Fellows are: Ayoade Adewopo, Tamika Bates, Andrea Brashear, Angela Coe, Cindy Crowe, Andrew Falk, Michael Greenlee, Sabrina Haney, Alva Hanns, Taneka Harris, Kenya Jones, Deryck Jordan, Patricia Kinney, Carol Lewis, Kevin Miller, Jenny Mirelez, George Ng, Kimberly Powell, Karyn Price, Fredric Roberson, Robyn Rucker, Marisol Sanchez, Rafael Sanchez, SaKinna Thomas, Chasity Thompson, Lorelei Velez, Douglas White, Lora Whittacker, Jason Wischmeyer, and Pratima Yarlagadda.

If we can dream it...

Oral Argument Broadcast

*On July 14, 1999, the Indiana Supreme Court heard oral arguments in the case of Indiana Bell Telephone Company v. Indiana Utility Regulatory Commission.**

The case arose from the proposed stock exchange and merger of Indiana Bell's parent Ameritech with SBC Communications, Inc. The IURC had asserted jurisdiction over the proposed merger and the utility companies opposed that jurisdiction.

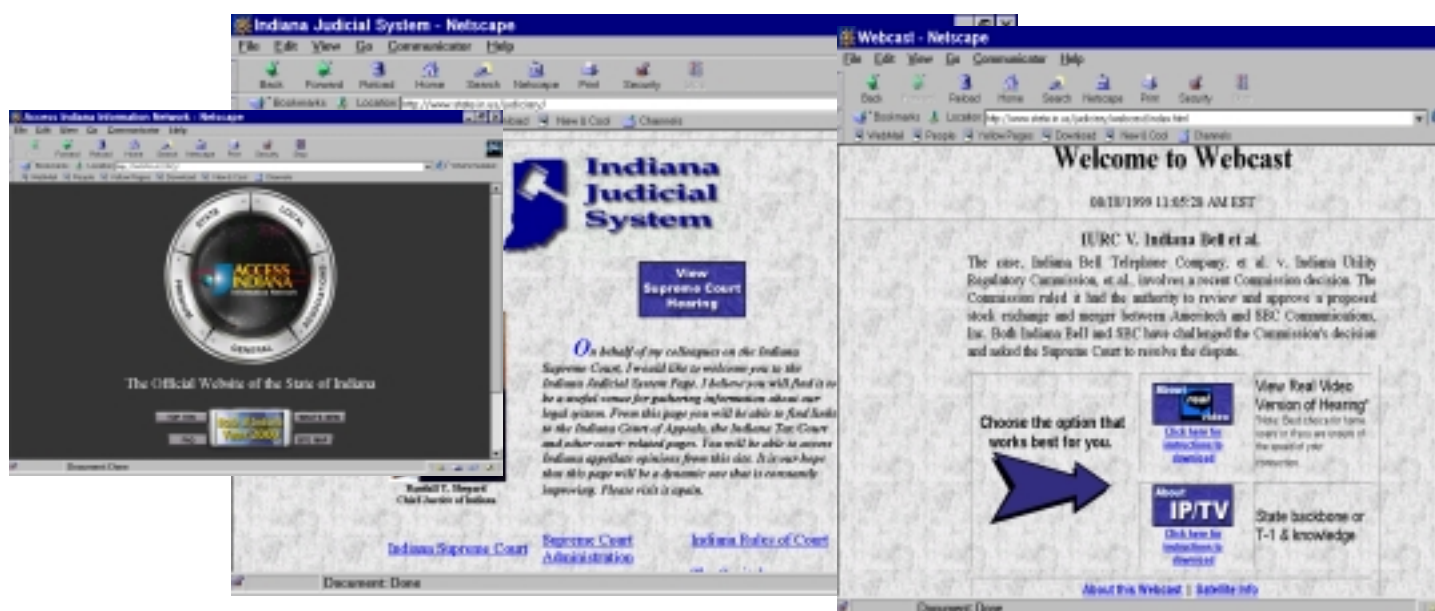
In addition to the legal and policy determinations which become part of the Court's decision, the Indiana Bell case is also significant because of the expansion of the Court's experiment with cameras in the courtroom. This oral argument is the first such appellate proceeding in Indiana which will be made available via the Internet and satellite feed to selected organizational recipients. For the first time ever, the citizens of Indiana can access the full video and audio proceedings of the Court from their home PC.

Chief Justice Randall T. Shepard raised three major benefits to internet and satellite availability of the oral arguments in three press conferences given on July 12, 1999. First, internet access to the oral argument allows the citizens of Indiana to more fully participate in the judicial process. Second, the news media from around the state would find coverage of arguments simplified and more cost effective, with the result that the public could be better informed of these proceedings. The final major benefit comes through the satellite broadcast over the IHETS (Indiana Higher Education Telecommunications System) network. This availability could allow teachers to use actual oral argument recordings as instructional tools to provide for better learning opportunities for their students.



Chief Justice Randall T. Shepard

This pilot program is being made available through the collaboration of the staff of the Indiana Supreme Court, the Indiana Intelenet Commission, and IHETS. More information can be found at the Supreme Court's website: <http://www.state.in.us/judiciary>.



* __N.E.2d__ (Ind. 1999), July 30, 1999.

Public Defender Commission

On May 12, 1999, the Public Defender Commission held its last meeting for fiscal year 1998-99. Reimbursements in capital and noncapital cases increased by more than \$900,000 from those of the previous fiscal year. Although reimbursements in capital cases declined from their record high in fiscal year 1997-98, reimbursements in noncapital cases rose to a new high of more than \$2.1 million for the current fiscal year.

Reimbursements Approved in Non-Capital Cases from the Public Defense Fund

(as of 05/13/99)

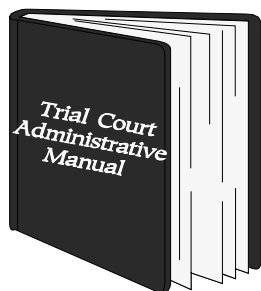
COUNTY	1998-99	COUNTY	1998-99
Benton	\$9,349.00	Marion	\$1,184,704.00
Clark	\$99,504.00	Miami	\$17,053.00
Floyd	\$98,132.00	Montgomery	\$53,028.00
Fulton	\$11,587.00	Orange	\$36,177.00
Henry	\$2,067.00	Parke	\$54,464.00
Jasper	\$7,992.00	Shelby	\$6,796.00
Jennings	\$1,040.00	Vermillion	\$26,389.00
LaPorte	\$156,945.00	Warren	\$13,045.00
Madison	\$410,727.00	TOTAL	\$2,189,000.00

The addition of seven counties receiving their first noncapital reimbursements in 1998-99, and expansions of programs in existing counties contributed to the rise in noncapital reimbursements. The Commission looks forward to adding additional counties to the program during the next six months.

Though the legislature did reduce the annual appropriation to the Public Defense Fund from \$3 million per year to \$2.4 million per year, funds carried over from previous years should meet the anticipated claims for fiscal year 1999-2000. Currently, the Commission projects reimbursements and expenses for the fiscal year beginning July 1, 1999, at \$3.8 million. Approximately \$4 million should be available to meet these claims. In light of increasing interest among counties in participating

in the Fund, the Commission's efforts to encourage the legislature to increase the appropriation for the Fund are beginning now.

Finally, at the May 12 meeting the Commission welcomed its newest member, Les Duvall. Governor O'Bannon appointed Mr. Duvall to the Commission to serve a four year term. A lifelong resident of Indianapolis, Mr. Duvall, served as a state senator from 1967 to 1985. During his tenure in the Senate, Mr. Duvall chaired the Senate Judiciary Committee for twelve years, was the Senate sponsor of the 1976 revision of the Criminal Code, and was instrumental in the passage of the Community Corrections bill in 1979. Currently, Mr. Duvall is a member of the Marion County Community Corrections Advisory Board and the Indiana Juvenile Justice Task Force.



Information Management

Administrative Rule 6—Microfilming Standards

Many new judges and clerks of the circuit courts have been elected or appointed to office in recent years, and it might be beneficial for them to review existing rules and procedures such as those found in Administrative Rule 6, "Microfilming Standards." Since microfilming is an integral part of managing court records, the Division calls Administrative Rule 6 to the attention of judges and clerks who may wish to review their microfilming program in light of the rule. While many courts have been microfilming records for several years, current personnel may not be aware of the requirements found in this rule, which establishes minimum standards for readability, permanency, and documentation.

Administrative Rule 6 is part of a larger, interconnected information management system for court

information. For example, the idea of placing original orders in the Record of Judgments and Orders, which is found in Trial Rule 77, was designed with microfilming standards in mind. In addition, the rule requires a documentation file and a series of targets, both of which are discussed in the *Trial Court Administrative Manual* under the heading of "Administrative Rule 6: Microfilming Manual." Targets are critically important to making the microfilm version the official record of the court. Thus, judges may wish to review microfilming procedures with their clerks and microfilming personnel.

The State Court Administrator's office assists judges and clerks in meeting the standards found in the rule through visits, by examination of microfilm output, and through assistance to microfilming personnel in devising self-auditing procedures.

Senior and Special Judge Claims

The Division of State Court Administration is responsible for processing the payment of claims for Senior and Special Judges. We now have separate claim forms for each (369A & 369C), along with corresponding verification forms (369B & 369D).

Please note that only one type of service can be processed on one form. For example: senior and special judge claims can not be submitted on the same form. Information regarding these updated forms has been sent out throughout this past year.

Upon receipt of completed claim forms, we enter the information into our software system within two business days. Claim checks are processed along with the regularly scheduled bi-weekly payroll. The claim payment is divided into two categories: mileage and other related

expenses, and service fees. The reason for this division is to ensure accurate taxation on these monies. Please note that meals can only be reimbursed if mileage expense was incurred in serving the court as part of the service.

Sitting judges serving as special judges are eligible to receive reimbursements for mileage and reasonable expenses only.

Senior judges serving as senior judges are eligible to receive a per diem of \$50.00. Ind. Administrative Rule 5(B)(2). Mileage and other expenses are recoverable as long as the

court served is outside of the judge's home county.

Senior judges serving as special judges are eligible to receive a fee of \$25.00 per court served. However, a senior judge may only serve as a special judge in a court where he or she is appointed as a senior judge. [See T.R. 79(P)]. Reimbursement for mileage and other expenses are applicable as noted above.

If you need senior and/or special judge claim forms or have any questions regarding the payment of claims, please contact our office at 317/232-7591.

General Form No. 369B Supreme Court of Indiana Division of State Court Administration Special Judge: _____ Page _____ of _____	General Form No. 369C Supreme Court of Indiana Division of State Court Administration Senior Judge: _____ Page _____ of _____
General Form 369A Division of State Court Administration 115 W Washington ST. STE 1080 Indianapolis, IN 46204-3417 CLAIM FOR SERVICES AS SPECIAL JUDGE Voucher No.: _____ Name: _____ For Div. Use Address: _____ Account No. 100-036.8 City & State: _____ Agency: Supreme Court S.S. No.: _____ Appropriation Name: or Federal ID No.: _____ Special Judge PRIVACY NOTICE: Object Amount (Travel from reverse side) Your SS or Fed ID No.: .801 \$ _____ Mileage is requested as the Audit .802 \$ _____ Reimburs- or or State must comply able Expenses with Federal IRS Requirements. (IC 4-1-8)	General Form 369C Division of State Court Administration 115 W Washington ST. STE 1080 Indianapolis, IN 46204-3417 CLAIM FOR SERVICES AS SENIOR JUDGE Voucher No.: _____ Name: _____ For Div. Use Address: _____ Account No. 100-036.8 City & State: _____ Agency: Supreme Court S.S. No.: _____ Appropriation Name: or Federal ID No.: _____ Senior Judge PRIVACY NOTICE: Object Amount (Travel from reverse side) Your SS or Fed ID No.: .801 \$ _____ Mileage is requested as the Audit .802 \$ _____ Reimburs- or or State must comply able Expenses with Federal IRS Requirements. (IC 4-1-8)

Library Management

Supreme Court Law Library

SJI-Supported Grant Publications

The following titles have been received by the Indiana Supreme Court Law Library in its capacity as a repository for State Justice Institute grant products. This list continues the columns published in previous issues of Indiana Court Times. SJI publications can be borrowed from the library by calling (317) 232-2557.

1. The Relative Importance of Resources and Management in Determining Time on Appeal, Williamsburg: National Center for State Courts, 1998. KF 8732 .H258 1998.
2. Empirical Validation of the Arizona Risk/Needs Instrument and Assessment Process, Tucson: Arizona Supreme Court, 1998. KFA 2998 .L43 1998.
3. Judicial Leadership and Judicial Practice in Child Abuse and Neglect Cases, Reno: National Council of Juvenile and Family Court Judges, 1998. KF 9323 .C386 1998.
4. Child Victims Project Model Courts Status Report 1997-98, Reno: National Council of Juvenile and Family Court Judges, 1998. KF 3736.5 .Z95 C45 1997.
5. Coordination of Domestic Violence Cases in Criminal and Family Court: An Inquiry and Recommendations, New York City: Victim Services, 1998. KFN 5116.5 .S9 C6 1998.
6. CSG State Directory I-Elective Officials 1999, Lexington: The Council of State Governments, 1999. JK 2403 .S74.
7. Final Report of the NCPJ Advisory Committee on Interstate Guardianships, National College of Probate Judges, 1998. KF 553 .F462 1998.
8. Internet-based Domestic Violence Court Preparation System Evaluation, Williamsburg: National Center for State Courts, 1998. KFG 94.5 .K45.
9. Parent Education Programs in Domestic Relations Courts, Denver: Center for Policy Research, 1998. KF 547.T56 1998.
10. End-of-Life Care and Hospital Legal Counsel: Current Involvement and Opportunities for the Future, New York City: Milbank Memorial Fund, 1999. KFN 5619.5 .T47 Z83 1999.
11. Domestic Violence Characteristics Informing and Enhancing the Court's Role, San Francisco: Family Violence Prevention Fund, 1998. KF 9322 .Z9 D66 1998.
12. Immigrants in Courts, Seattle and London: University of Washington Press, 1999. KF 8725.I47 1999.
13. Judge's Guidebook on Adoption and Other Permanent Homes for Children, Reno, NV: National Council of Juvenile and Family Court Judges, 1999. KF 545 .J83 1999.



Legal Motions

Legal Motions features personnel changes in the Indiana judiciary. If you have any news of retirements, resignations, new appointments, or people on the move, we would be happy to feature it.

Appointment of New Judges:

Adams Circuit Court, effective August 2, 1999, the Hon. Frederick Schurger will fill the vacancy caused by the retirement of the Hon. Lorren Caffee;

Hancock Circuit Court, effective August 9, 1999, the Hon. Raymond Robak will replace the Hon. Ronald Gottschalk;

Delphi City Court, effective August 23, 1999, the Hon. Kimberly Cripe will fill the vacancy caused by the resignation of the Hon. Donald E. Burkhalter;

Appointment of New Magistrates:

Allen County: Brian Cook, 8/2/99;

Allen County: Jennifer DeGroote, 8/2/99;

Allen County: Marcia Linsky, 8/2/99;

Cass County: Robert Justice, 7/1/99;

Clark County: Kenneth Abbott, 8/1/99;

Elkhart County: David Denton, 7/15/99;

Floyd County: Daniel Burke, Jr. 8/1/99;

Johnson County: 7/12/99, Craig

Lawson fills the vacancy caused by the resignation of Deborah Robertson, 7/11/99;

Lake County: John Halcarz, 6/14/99;

Lake County: George Ivancevich, 8/2/99;

Lake County: Robert Pete, 7/1/99;

Lake County: Kris Sakelaris, 7/1/99;

LaPorte County: Thomas Pawloski, 7/1/99;

St. Joseph County: David T. Ready, 7/6/99;

Sullivan County: Ann K. Smith, 7/1/99.

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Our goal is to foster communications, respond to concerns, and contribute to the spirit and pride that encompasses the work of all members of the judiciary around the state. We welcome your comments, suggestions and news. If you have an article, advertisement, announcement, or particular issue you would like to see in our publication, please contact us.

If you would like to receive this newsletter via e-mail, or by accessing our website, please send a message to dguthrie@courts.state.in.us to have your name added to our electronic list and removed from our hardcopy mailing list.

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Please Circulate to Co-workers

This newsletter reports on important administrative matters. For future reference, add it to your Trial Court Administrative Manual.

Indiana Court Times

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